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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,250	02/05/2001	Benjamin E. Felts III	01CON202P	2356

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EXAMINER
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KOSTAK, VICTOR R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/05/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/777,250

Applicant(s)  
Felts, III

Examiner  
Victor Kostak

Art Unit  
2611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Note MPEP 606.01.
2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- OR
- (e) the invention was described in (1) an application for a patent published under section 122(b), by another filed in the United States before the invention by the applicant for a patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United states and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8, 9, 11-15, 17, 18, 20-25, 27, 28, 30-35, 37 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Oakley.

The computer-to-television conversion system of Oakley (noting particularly Fig. 5) includes vertical scaling of an initial input of plural lines 10 at a first frequency SCK (e.g. col. 5 lines 45-58) and outputs a second plurality of (converted sequential) lines at that frequency

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(noting the SCK input to FIFO 50) the clock source not shown but which generates multiple frequencies: HCK, SCK, PXCK); wherein the FIFO outputs the converted lines at second frequency PXCK (note also Table 2), thereby meeting claims 1, 11, 20 and 30.

As for claims 2, 21 and 31, the second plurality of lines (input to the FIFO) are in a first (scaled) format.

As for claims 3, 12, 22 and 32, the output of FIFO 50 is passed to a modulator (i.e. an NTSC or PAL encoder, not shown: col. 5 lines 10-15) which inherently includes plural system components including timing, and in the specified text of Oakley, flicker reduction), and which converts the video data from the first format into the second (i.e. television).

Regarding claims 4, 13, 23 and 33, the input can be VGA or SVGA: col. 1 line 11; col. 3 lines 27-28).

As for claims 5, 14, 24 and 34, the input format can be SVGA as mentioned previously, and the output format can be NTSC, also mentioned above.

Considering claims 8, 17, 27 and 37, the output first frequency is a non-integer ratio of the second frequency (noting again Table 2 and the input/output SCK ratio of 8/9 as shown in Fig. 5).

As for claims 9, 18, 28 and 38, the system is synchronous since the clocks are derived from the same system clock and related by a specific system-derived ratio.

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 10, 16, 19, 26, 29, 36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oakley.

Regarding claims 7, 16, 26 and 36, it would have been obvious to one of ordinary skill in the art to have the timing conditions of the first and second frequencies result in being related by an integer ratio since Oakley allows for multiple input and multiple output formats (and therefore multiple parameters) to be applied, moreover in view of the fact that some of the parameters of computer formats and television formats are integrally related (i.e. 60 Hz frame rate, high-definition TV having computer-related line counts, etc.).

As for claims 10, 19, 29 and 39, it would also have been obvious to have the first and second clocks asynchronous, which would thereby accommodate frequencies that are not fractionally related, and which would also enable conversion to be done in a less rigid manner and at a rate not directly related to the required input rate.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is informed that Mizutani (noting Fig. 1) can also be incorporated in a

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rejection which anticipates several claims and can be combined otherwise with a secondary teaching for the remaining claims. Mizutani only lacks explicit description of a FIFO, which would have been clearly obvious to use as taught in the very comparable system of Oakley (and for the implicit reason of outputting time-sequential data since time series data is generated and presented in that manner). An additional rejection has not been applied in order to avoid being exhaustive and repetitive.

The other references are also applicable as they teach VGA-to-television conversion.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (703)-305-4374. The examiner can normally be reached on Monday through Friday from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone (703) 306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

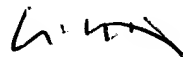
**or faxed to:**

(703) 872-9314 (For either formal or informal communications intended for entry. For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

**Victor R. Kostak**

**Primary Examiner**



VRK

9/1/03